

1 KEITH A. JACOBY, Bar No. 150233  
LITTLER MENDELSON  
2 A Professional Corporation  
2049 Century Park East  
3 5th Floor  
Los Angeles, CA 90067.3107  
4 Telephone: 310.553.0308

5 MICHELLE B. HEVERLY, Bar No. 178660  
ERICA H. KELLEY, Bar No. 221702  
6 LITTLER MENDELSON  
A Professional Corporation  
7 50 W. San Fernando Street, 15<sup>th</sup> Floor  
San Jose, CA 95113-2431  
8

9 Attorneys for Defendant  
FEDEX FREIGHT, INC.

10 LAW OFFICE OF MARY-ALICE COLEMAN  
11 MARY-ALICE COLEMAN, SBN 98365  
JAMES C. ASHWORTH, SBN 151272  
12 1109 Kennedy Place, Suite 2  
Davis, California 95616  
13 Telephone: (916) 498-9131  
Facsimile: (916) 304-0880  
14

15 LAW OFFICES OF MICHAEL L. CARVER  
MICHAEL L. CARVER, SBN 173633  
16 MICHELLE M. LUNDE, SBN 246585  
1600 Humboldt Road, Suite 3  
17 Chico, California 95928  
Telephone: (530) 891-8503  
18 Facsimile: (530) 891-8512

19 Attorneys for Plaintiffs, ROY D. TAYLOR,  
20 ARLETHA FLUD, THOMAS J. WOOD,  
ERNEST C. HARVEY, II, individually,  
21 and on behalf of all others similarly situated  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ROY D. TAYLOR, ARLETHA FLUD,  
THOMAS J. WOOD, ERNEST C.  
HARVEY, II, individually, and on behalf  
of all other similarly situated,,

Plaintiff,

v.

FEDEX FREIGHT, INC., an Arkansas  
Corporation, and DOES 1 through 20,  
inclusive,

Defendant.

Case No. 5:10-CV-02118 LHK

**JOINT STIPULATION AND  
~~PROPOSED~~ ORDER REGARDING  
THE MOTION FOR PRELIMINARY  
APPROVAL OF CLASS  
SETTLEMENT FILING DEADLINE  
AS MODIFIED**

WHEREAS, the parties were previously ordered by this Court on June 10, 2011 to file the Motion for Preliminary Approval of Class Settlement by July 15, 2011 with a hearing date set for September 1, 2011;

WHEREAS, the information regarding the breakdown of class members in various positions and the number of work weeks in each position is a relevant fact necessary for Plaintiffs' Motion for Preliminary Approval of the Settlement Agreement;

WHEREAS, Defendant FedEx Freight, Inc. has been diligently working on getting the complete information regarding the class members to incorporate into Plaintiffs' motion, but has not completed that task;

WHEREAS, the parties believe a one week extension is necessary to finish gathering the necessary information, incorporate it into the papers and finalize the papers related to the Motion for Preliminary Approval of Class Settlement. The parties further stipulate that the case management conference and the hearing date previously set by this Court shall remain on calendar.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs Roy Taylor, Arletha Flud, Thomas Wood and Ernest Harvey and Defendant FedEx Freight, Inc., through their respective counsel, and subject to approval by the Court, that the date to file the Motion for Preliminary Approval of Class Settlement be extended to July 22, 2011. There have been no prior requests for extension of this filing deadline, and continuation of the filing date to July 22, 2011, does not affect the August 10, 2011 case management conference date or the September 1, 2011 hearing date previously set by the Court. Further extensions will be disfavored.

Dated: July 13, 2011

/s/  
 MICHELLE B. HEVERLY  
 LITTLER MENDELSON  
 A Professional Corporation  
 Attorneys for Defendant  
 FEDEX FREIGHT, INC.

Dated: July 13, 2011

/s/  
 MICHAEL L. CARVER  
 LAW OFFICES OF MICHAEL L. CARVER  
 Attorneys for Plaintiffs


### **ORDER**

The Court having reviewed the foregoing joint stipulation, IT IS HEREBY ORDERED as follows:

The Motion for Preliminary Approval of Class Settlement of the above captioned case must be filed by July 22, 2011. All other deadlines previously set by the Court's June 10, 2011 Order shall remain on calendar.

Dated: July 14, 2011

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 HONORABLE LUCY KOH